

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ZACHERY MARTZ,

Plaintiff

v.

JOHN J. TALABER, ESQ., *et al.*,

Defendants

Civil No. 3:19-cv-2002

(Judge Mariani)

ORDER

AND NOW, this 29th day of January, 2020, upon preliminary consideration of

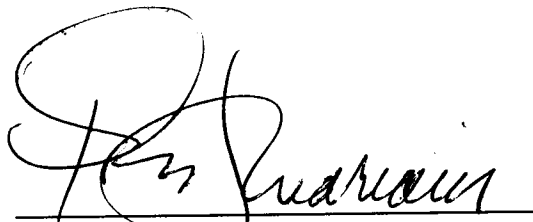
Plaintiff's complaint (Doc. 1), and in accordance with the Memorandum of the same date, **IT**

IS HEREBY ORDERED THAT:

1. Plaintiff's application (Doc. 8) to proceed *in forma pauperis* is construed as a request to proceed without full prepayment of fees and is **GRANTED**.
2. Plaintiff's application (Doc. 5) to proceed *in forma pauperis* filed on December 16, 2019 is **DISMISSED** as an improper form.
3. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to **DEDUCT** an initial partial filing fee of 20% of the greater of:
 - a. The average monthly deposits in the inmate's prison account for the past six months, or
 - b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

5. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
6. The complaint (Doc. 1) is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
7. The Clerk of Court is directed to **CLOSE** this case.
8. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

A handwritten signature in black ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge